



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART I

#### POWERS OF COURTS TO DEAL WITH OFFENDERS

##### *Miscellaneous*

#### 25 Committals for sentence.

(1) For section 38 of the 1980 Act there shall be substituted the following section—

**“38 Committal for sentence on summary trial of offence triable either way.**

- (1) This section applies where on the summary trial of an offence triable either way (not being an offence as regards which this section is excluded by section 33 above) a person who is not less than 18 years old is convicted of the offence.
- (2) If the court is of opinion—
- (a) that the offence or the combination of the offence and other offences associated with it was so serious that greater punishment should be inflicted for the offence than the court has power to impose; or
  - (b) in the case of a violent or sexual offence committed by a person who is not less than 21 years old, that a sentence of imprisonment for a term longer than the court has power to impose is necessary to protect the public from serious harm from him,

the court may, in accordance with section 56 of the Criminal Justice Act 1967, commit the offender in custody or on bail to the Crown Court for sentence in accordance with the provisions of section 42 of the Powers of Criminal Courts Act 1973.

*Status: Point in time view as at 01/10/1992.*

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- (3) Paragraphs (a) and (b) of subsection (2) above shall be construed as if they were contained in Part I of the Criminal Justice Act 1991.
- (4) The preceding provisions of this section shall apply in relation to a corporation as if—
- (a) the corporation were an individual who is not less than 18 years old; and
  - (b) in subsection (2) above, paragraph (b) and the words “in custody or on bail” were omitted.”
- (2) In Schedule 3 to the 1980 Act, paragraph 5 (provisions relating to committal to Crown Court for sentence not to apply to a corporation) shall cease to have effect.

#### Commencement Information

**II** S. 25 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

## 26 Alteration of certain penalties.

- (1) In section 7 of the <sup>M1</sup>Theft Act 1968 (theft), for the words “ten years” there shall be substituted the words “seven years”.
- (2) For subsections (3) and (4) of section 9 of that Act (burglary) there shall be substituted the following subsections—
- “(3) A person guilty of burglary shall on conviction on indictment be liable to imprisonment for a term not exceeding—
- (a) where the offence was committed in respect of a building or part of a building which is a dwelling, fourteen years;
  - (b) in any other case, ten years.
- (4) References in subsections (1) and (2) above to a building, and the reference in subsection (3) above to a building which is a dwelling, shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is.”
- (3) In section 10(2) of the <sup>M2</sup>Badgers Act 1973 (enforcement, penalties etc.), for the words preceding the proviso there shall be substituted the following—
- “(2) Any person guilty of an offence under this Act shall be liable on summary conviction—
- (a) in the case of an offence under section 1 or 2, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both;
  - (b) in the case of an offence under section 3 or 4, to a fine not exceeding that level; and
  - (c) in the case of an offence under section 5, to a fine not exceeding level 3 on that scale;”and in the proviso for the words “paragraph (b)” there shall be substituted the words “paragraph (a) or (b)”.
- (4) In section 51(4) of the <sup>M3</sup>Criminal Law Act 1977 (penalties for bomb hoaxes)—

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- (a) in paragraph (a), for the words “three months” there shall be substituted the words “six months”; and
  - (b) in paragraph (b), for the words “five years” there shall be substituted the words “seven years”.
- (5) The power saved by subsection (1) of section 70 of the 1982 Act (vagrancy offences) shall not include, in the case of an offence mentioned in paragraph (b)(i) of that subsection (sleeping rough), power to impose a fine which exceeds level 1 on the standard scale.

#### Extent Information

**E1** S. 26 extends to England and Wales; s. 26(3)(4) also extend to Scotland see s. 102(4)(5)

#### Commencement Information

**I2** S. 26 wholly in force; s. 26(3) in force (E.W.) at 25.10.1991, s. 26(4) and (5) in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(2)(3)(4), Schs. 2, 3; s. 26(3) in force (S.) at 9.12.1991 see s. 102(2)(3) and S.I. 1991/2706, art. 2(1)(2); S. 26 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

#### Marginal Citations

**M1** 1968 c. 60.  
**M2** 1973 c. 57.  
**M3** 1977 c. 45.

## 27 Treatment of offenders under 1983 Act.

(1) After section 39 of the 1983 Act there shall be inserted the following section—

### “39A Information to facilitate guardianship orders.

Where a court is minded to make a guardianship order in respect of any offender, it may request the local social services authority for the area in which the offender resides or last resided, or any other local social services authority that appears to the court to be appropriate—

- (a) to inform the court whether it or any other person approved by it is willing to receive the offender into guardianship; and
- (b) if so, to give such information as it reasonably can about how it or the other person could be expected to exercise in relation to the offender the powers conferred by section 40(2) below;

and that authority shall comply with any such request.”

(2) After section 54 of that Act there shall be inserted the following section—

### “54A Reduction of period for making hospital orders.

- (1) The Secretary of State may by order reduce the length of the periods mentioned in sections 37(4) and (5) and 38(4) above.

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- (2) An order under subsection (1) above may make such consequential amendments of sections 40(1) and 44(3) above as appear to the Secretary of State to be necessary or expedient.”
- (3) In section 143(2) of that Act (general provisions as to regulations, orders and rules), after the words “this Act” there shall be inserted the words “or any order made under section 54A above”.

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**Commencement Information**

**I3** S. 27 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

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